IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

MFA.No. 439 of 2001()

OPMV.1698/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT - PETITIONER:

KORAPPAN, S/O.SUBADRA, EDAMARA HOUSE,
P.O. MANALUR, THRISSUR DISTRICT.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS RESPONDENTS:
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1. **M. VIAJAYNA, S/O. PADMAVATHY AMMA,**
   PADMALAYA HOUSE, PAMBADI WEST,
   THIRUVILLAMALA (DELETED)

2. **A.B. ASOKAN, S/O.BHASKARAN, ATHANIKUZHY**
   HOUSE, NENMANIKKARA VILLAGE,
   PULAKKATTUKARA DESOM.

3. **UNITED INDIA INSURANCE CO. LTD., THRISSUR.**

   NAME OF R3 IS DELTED FROM THE PARTY ARRAY
   AT THE RISK OF THE PETITIONER AS PER ORDER
   DATED 14,3,2006 IN I.A. NO.525 OF 2006.

BY ADV. SMT.NARAYANIKUTTY CHETTOOR
SRI.G.SREEKUMAR (CHELUR)
SRI.FRANCO T.J.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 439 OF 2001

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Dated this the 7th day of March, 2007

J U D G M E N T

The claimant in O.P(MV) No.1698 of 1999 on the file of the Motor Accident Claims Tribunal, Thrissur is the appellant. Appellant sustained injuries in a road traffic accident occurred at 4.15 p.m. on 3.7.1999. Appellant filed a petition claiming compensation under various heads. The Tribunal awarded a sum of Rs.56,000/- as compensation with 12% interest from the date of petition till realisation. The Insurance Company was directed to deposit the amount.

2. The one and only question arising for consideration is whether the appellant is entitled to any additional compensation. Point raised by the counsel for the appellant is that only an amount of Rs.3,000/- was awarded towards future medical expenses. It is submitted that on account of the injury sustained by the appellant he has to use catheter constantly and every month the catheter has to be replaced by a new one for which he

has to spend at least Rs.1,000/- per mensum. Appellant produced medical records and took steps to examine the Doctor but it was not allowed. Considering the entire facts and circumstances of the case, I am of the view that the Tribunal ought to have awarded Rs.10,000/- more towards future medical expenses.

In the result, the appeal is allowed in part. In addition to the compensation awarded by the Tribunal towards future medical expenses an amount of Rs.10,000/- more is awarded with 7% from 21.8.1999. The Insurance Company shall deposit that amount also within two months.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 439 OF 2001

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J U D G M E N T

7TH MARCH, 2007